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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 (SAN FRANCISCO DIVISION)

11 FINJAN LLC,

12 Plaintiff,

13 v.
14

15 PALO ALTO NETWORKS, INC.,

16 Defendant.

Case No. 4:14-cv-04908-JD

**[PROPOSED] ORDER RE DISMISSAL OF
THREE PATENTS-IN-SUIT**

Hon. James Donato
Ctrm: 11, 19th Floor

[PROPOSED] ORDER

The Court, having read and considered the parties' Stipulation, and finding good cause in support thereof, hereby orders the following:

Finjan's claims for infringement of U.S. Patent No. 6,804,780 (Counts I and II of Dkt. No. 112) are dismissed with prejudice in the event the *ESET* judgment of invalidity of the '780 patent (*Finjan, Inc. v. ESET, LLC*, No. 3:17-cv-0183-CAB-BGS, Dkt. No. 875 (S.D. Cal. Mar. 29, 2021)) becomes final without any further appeal and are dismissed without prejudice to Finjan's reassertion of this patent against PAN by filing a new infringement action if and only if the *ESET* judgment of invalidity of the '780 patent is reversed or vacated on appeal;

Finjan's claims for infringement of U.S. Patent No. 7,613,926 (Counts V and VI of Dkt. No. 112) are dismissed with prejudice in the event the *ESET* judgment of invalidity of the '780 patent becomes final without any further appeal and are dismissed without prejudice to Finjan's reassertion of this patent against PAN by filing a new infringement action if and only if the *ESET* judgment of invalidity of the '780 patent is reversed or vacated on appeal;

Finjan's claims for infringement of U.S. Patent No. 8,677,494 (Counts XIII and XIV of Dkt. No. 112) are dismissed with prejudice in the event the *ESET* judgment of invalidity of the '780 patent becomes final without any further appeal and are dismissed without prejudice to Finjan's reassertion of this patent against PAN by filing a new infringement action if and only if the *ESET* judgment of invalidity of the '780 patent is reversed or vacated on appeal;

PAN's counterclaims and defenses with regard to U.S. Patent No. 6,804,780 (Counts I and II of Dkt. No. 116) are dismissed without prejudice;

PAN's counterclaims and defenses with regard to U.S. Patent No. 7,613,926 (Counts V and VI of Dkt. No. 116) are dismissed without prejudice; and

PAN's counterclaims and defenses with regard to U.S. Patent No. 8,677,494 (Counts XIII, XIV, XV, and XVII of Dkt. No. 116) are dismissed without prejudice.

IT IS SO ORDERED.

Dated: _____

Hon. James Donato
United States District Court Judge